

**REMARKS**

The Office Action of July 29, 2008 presents the examination of claims 31-35, all of the previously pending claims having been canceled.

Amendments

The specification is amended to correct a typographical error in a heading.

Claims 31-35 are amended to recite SEQ ID NO: 8 as the subject amino acid sequence.

Claim objection

Claims 31-35 are objected to as encompassing “non-elected” subject matter following restriction of the claims. Claims 31-35 have been amended to recite the elected subject matter of SEQ ID NO: 8.

Rejection under 35 USC § 102

Claims 31-35 are rejected under 35 USC § 102(e) as anticipated by Straten WO ‘980. This rejection is respectfully traversed. Reconsideration and withdrawal thereof are requested.

The present claims 31-35 recite SEQ ID NO: 8 as the reference sequence. The present invention is thus distinct from what is disclosed by Straten WO ‘980 and so the instant rejection should be withdrawn.

Applicants submit that the present application well-describes and claims subject matter that is free of the prior art. The favorable actions of withdrawal of the standing rejections and allowance of the pending claims are requested.

Should there be any minor matter precluding allowance of the application that can be addressed by a telephone conversation, the Examiner is requested to contact the undersigned, at the telephone number given below, to discuss the matter.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: October 29, 2008

Respectfully submitted,

By 

Mark J. Nuell, Ph.D.

Registration No.: 36,623

BIRCH, STEWART, KOLASCH & BIRCH, LLP

12770 High Bluff Drive, Suite 260

San Diego, CA 92130

(858) 792-8855

Attorney for Applicant